



LAUREL COUNTY SCHOOLS

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Doug Bennett, Ed.D., Superintendent
Denise M. Griebel, Deputy Superintendent

AUG 12 2014

FCC Mail Room

08/07/2014

Laurel County Schools wishes to appeal the July 14th, 2014 appeal decision of USAC that the 2 in 5 rule was violated by the Laurel County School District for the 2011 funding year on 471 804689 with provider Pomeroy IT Solution, SPIN # 143005447 for entity # 44749 Hunter Hills Elementary School.

CC DOCKET # 02-6

My name is Barney Paslick. I am the CIO of the Laurel County School District.

Our offices are located at 718 North Main Street, London, KY 40741.

My phone number is 606-862-4600 Extension 5027.

My fax number is 606-862-5493.

My email address is henry.paslick@laurel.kyschools.us.

I am the E-Rate coordinator for the district and the person who can most readily discuss this appeal with you.

This appeal stems from a Funding Commitment Adjustment Report for Form 471 Application number 804689 dated May 30th 2014 in which PIA reviewers allege that:

: "During a review for compliance with the 2-1n-5 Rule it was determined that entity #44749, Hunter Hills Elementary, received support for Interna1 Connections more than twice in a five year period. FCC rules prohibit eligible entities from receiving support for Internal Connections services, except basic maintenance, more than twice every five years. The review was conducted on Funding Years 2007, 2010, and 2011 which were all approved for funding for interna1 connections for Entity #44749. Since the review of the funding requests revealed that support for Internal Connections was received beyond what is permissible under the Commission rules, the commitment has been rescinded in full for FY2011, FR 21812 6 listed above. USAC will seek recovery of improperly disbursed funds from the applicant."

Laurel County Schools is the applicant.

Service provider is Pomeroy It Solutions

SPIN 143005447

Our Entity Number is 128833

Entity # in question:: 44749

471 Application #:804689

Laurel County Schools during the PIA review was notified that they were in violation of the 2 in 5 rule for a funding commitment to entity 44749 in funding year 2011 due to having been approved in funding years 2007, and 2010. But we feel this ruling is in error and provide the following information to support our belief. This same information was provided twice with enhancements to the PIA reviewers. We have also consult other school districts in Kentucky as well as the state e-rate coordinator to ensure that they shared our understanding of the 2 in 5

Laurel County Board of Education
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rule, providing them the same information we provided to the PIA review and are now providing you. They concur with our understanding of the 2 in 5 rule as well as our belief that we are NOT in violation for the 2011 funding year. Much of the information I am providing in defense of our belief is taken directly from the SLD web site and includes the tool provided by SLD to ensure that districts know when they are and are not eligible.

"The '2-in-5 Rule', which became effective as of FY 2005, limits Internal Connections funding (excluding basic maintenance) for any given entity to two out of any five consecutive years. Since FY 2007 will be the third year in which the Rule is operative, it is the first year in which the Rule may become binding. If an entity was funded for Internal Connections in both FY 2005 and FY 2006, no Internal Connections funding can be provided in FY 2007 (or the following two years). For administrative purposes, 'funding' of an entity means that it was referenced on an approved FRN either as: (a) a site-specific entity; or (b), one of a number of entities in a Block 4 worksheet."

The Laurel County School District entity # 44749 AKA as Hunter Hills Elementary School was funded for internal connections in funding year 2005 the first year of the 2 in 5 rule, thus beginning the 1st of 2 in 5 consecutive years that entity would be eligible for internal connection and again supported by the tool from the SLD web page. (Included in the appeal). Following that logic the Laurel County School District could apply for additional internal connection for 44749 in one of either years 2006, 2007, 2008 or 2009. 2009 being the year that ends the first 2 in 5 consecutive years. Below is the information from your website and tool that corroborates this understanding.

USAC

Universal Services Administrative Company

Helping Keep Americans Connected

Schools & Libraries

Home > Schools and Libraries > 2-in-5 Tool for Internal Connections > 2-in-5 Tool for Internal Connections Eligibility Summary

2-in-5 Tool For Internal Connections Eligibility Summary

Note: Please click on the links below for the most current status.

Note: Pending appeals are not considered for the Internal Connection eligibility statuses listed below.

Entity	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
HUNTER HILLS ELEMENTARY SCHOOL EN: 44749	Funded	Not Funded	Funded	Not Funded	Not Eligible	Funded	Funded	Not Eligible	Not Eligible	Not Eligible	Eligible	Eligible	Eligible	Eligible
HAZEL GREEN ELEM SCHOOL EN: 44755	Funded	Funded	Not Eligible	Not Funded	Not Eligible	Funded	Funded	Not Eligible	Not Eligible	Not Eligible	Eligible	Eligible	Eligible	Eligible

Entity 44749 was funded in year 2005 and also from your web site is this explanation:

"For each eligible entity, the five-year period begins in any year in which that entity receives support for internal connections. Entities can use two years within any five-year period, looking back and looking forward from that year."

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For reasons we cannot fathom PIA and USAC are focused on funding year 2007 as the first year of 2 in 5 when it is clear that the first year this entity was funded in the 2 in 5 rule period was in funding year 2005, the first year of the 2 in 5 rule. So all 5 year segments must be configured from the 2005 funding year and not the 2007 funding year... By the SLD's own web explanation and tools this entity was eligible for funding in funding year 2011. To better illustrate this we have included a large insert that shows how we came to this conclusion. Please see attachment A.

Based on this information even the explanation provided by the PIA reviews as "the Funding year being a rolling number" does not jibe with the SLD own explanation of looking back and forward to get an entities 2 in 5. Based on the SLD explanation you can look back 2 years and forward 2 years from 2007 funding year we are still in compliance with the 2 in 5 rule. If one take the PIA review point of a rolling funding year than I could make a case for an entity being eligible every other year as opposed to 2 in 5. But again my major piece of evidence that I am not in violation is the SLDs own online tool meant to help district and entities stay in compliance. If you look at this tool you will see that we are total in compliance with SLD e-rate rules and should not be penalized. We believe we have shown that the funding of entity 44749 in year 2011 was not in violation but was in fact the second year of our 2 in 5 that started in Funding year 2010. Based on this and your tool we recognize that entity 44749 is not eligible again for internal connections until funding year 2015.

Barney Paslick

Barney Paslick
C.I.O.

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